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signature pages*

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

IN RE: SOCIAL MEDIA ADOLESCENT
ADDICTION/PERSONAL INJURY PRODUCTS
LIABILITY LITIGATION

THIS FILING RELATES TO:

ALL ACTIONS

MDL No. 3047

Case No. 4:22-md-03047-YGR (PHK)

Honorable Peter H. Kang

**JOINT STATUS REPORT REGARDING
PRESERVATION ORDER**

1 Pursuant to the Court's Order re: Joint Discovery Letter (ECF 390) and Stipulation and Order
2 Extending Schedule Concerning Proposed Preservation Order (ECF 427), the Parties respectfully submit
3 this Joint Status Report Regarding Preservation Order:

4 The Parties have engaged in negotiations regarding a potential preservation order for nearly a
5 year. *See* ECF No. 75 at 5. During that time, the Parties have resolved certain key preservation issues
6 initially identified by Defendants in the Parties' first CMC Statement, including the identification of user
7 accounts associated with each Plaintiff and issues regarding preservation of information related to
8 CSAM. The user account identification issue is addressed through the agreed Plaintiff User Account
9 Preservation Form. *See* ECF No. 269-1. (The Parties are preparing and anticipate filing a proposed
10 User Account Information Order that implements this form.) The CSAM preservation issue was
11 addressed initially in the JCCP, and the Parties have agreed to entry of a proposed Order Governing
12 Preservation of CSAM in this matter. *See* ECF Nos. 461, 463-1.

13 During the course of the Parties' negotiations over a preservation order, the Parties exchanged
14 numerous drafts of a preservation order (with Defendant- and Plaintiff-specific provisions), engaged in
15 numerous meet and confer discussions about those drafts, and briefed and argued an initial set of
16 disputes. *See* ECF No. 297; July 6, 2023 Hr'g Tr. Despite the Parties' good faith efforts, they recently
17 agreed that they are unlikely to agree on the preservation order they have been discussing because the
18 Parties are far apart on numerous issues. The Parties therefore jointly propose that they suspend their
19 discussions of that order, which will avoid the need for briefing on its entry at this time.

20 Notwithstanding the Parties' agreement, more targeted preservation orders or agreements on
21 particular topics—similar to the CSAM Preservation Order discussed above—may be appropriate. The
22 Parties will meet and confer on any such discrete topics and will present any disputes to the Court if they
23 arise.

24 The Parties have also agreed to the following:

- 25 • The draft preservation orders exchanged and discussions between the Parties during the
26 course of their negotiations do not represent commitments on behalf of any Party that it
27 will take particular preservation steps and cannot be used by any Party to argue any such
28 commitment was made.

- The Parties recognize that they have shared information during the course of their discussions about the preservation order, and agree, subject to the above, that the Parties may use that information to inform their discovery requests in this litigation. This agreement is subject to the confidentiality designations any Party has made regarding the information disclosed. The Parties recognize that the information provided reflected the disclosing Party's knowledge at the time of the disclosure.
- The Parties reserve the right to seek formal discovery into other Parties' preservation policies and practices, including in the form of sworn deposition testimony. The Parties also reserve the right to object to such discovery, including in light of their informal disclosures to date. If any disputes arise regarding specific discovery requests, the Parties will raise them with the Court as needed.

DATED: December 11, 2023

Respectfully submitted,

/s/ Isaac D. Chaput

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ATTESTATION

I, Isaac D. Chaput, hereby attest, pursuant to N.D. Cal. Civil L.R. 5-1, that the concurrence to the filing of this document has been obtained from each signatory hereto.

DATED: December 11, 2023

By: /s/ Isaac D. Chaput
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